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AS**BOX AF
EXPEDITED PROCEDURE
GROUP 1711**PATENT
3273-0142P

IN THE U.S. PATENT AND TRADEMARK OFFICE

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APPLICANT: Hiroaki ARITA CONF.: 3973
SERIAL NO: 09/869,425 GROUP: 1711
FILED: June 27, 2001 EXAMINER: Umakant RAJGURU
FOR: RESIN COMPOSITION HAVING IMPROVED IMPACT RESISTANCE
AT LOW TEMPERATURES

REQUEST FOR RECONSIDERATION

#10

BOX AF
Assistant Commissioner for Patents
Washington, D.C. 20231

March 20, 2003

Sir:

Applicant gratefully acknowledges the Advisory Action of March 14, 2003, in which the Examiner kindly indicated that Applicant's January 24, 2003 Amendment would be entered. Applicant respectfully urges that the rejection of record should be withdrawn (or at least changed) before a Brief on Appeal is due in this application. The situation is as follows:

Claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 4,956,423 (Lee). In the Advisory Action, the Examiner's maintained that the claims (even as amended) include compositions that are "obvious" from the disclosure in lines 18-54 in column 4 of the Lee patent. The disclosure in question teaches that polyetheramides are prepared by reacting a polyamide with a polyether. The Examiner reasons that at some point,

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Attorney Docket Number 3273-0142P
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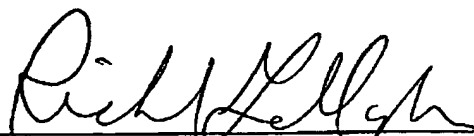
polyetheramides are therefore present in the same reaction mixture as are still unreacted glycols, and that this situation -- the reaction mixture allegedly containing both polyetheramides and glycols -- blocks the present claims.

This reasoning might be relevant if the Examiner were rejecting the claims under 35 U.S.C. §102. However, it is respectfully submitted that the Examiner's rationale for the rejection of record, which is made under 35 U.S.C. §103(a), is clearly improper.

The rejection of record over the Lee patent should be withdrawn, and the present application should be passed to Issue. Alternatively, the Examiner is respectfully requested to reopen prosecution and to substitute a rejection under 35 U.S.C. §102 for the rejection of record under 35 U.S.C. §103(a).

If the Examiner has any questions concerning this point, he is requested to contact Richard Gallagher, Reg. No. 28,781, at (703) 205-8008 in order to arrange an interview.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #28781
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To:	EXAMINER RAJGURU	From:	RICHARD GALLAGHER
Fax:	(703) 872-8311	Date:	March 19, 2003
Phone:		Pages:	3 (including cover sheet)
Your Ref.:	SN 09/869,425	Our Ref.:	3273-0142P
Re:	103 OR 102 ??	CC:	

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Comments: Examiner Rajguru,

**Please consider changing the statutory ground of rejection in this application
as per the enclosed discussion.**

Thanks,

Richard Gallagher

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